

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 1, 5 and 6 have been amended. Claims 1 and 5-10 are pending and under consideration.

### CLAIM REJECTIONS – 112

Claims 1 and 5-10 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement.

Claims 1 and 5-10 were further rejected under 35 USC 112, second paragraph, as being indefinite.

Independent claims 1 and 6, and also dependent claim 5, have been amended to recite that if the focus error is below a constant value, the disc is detected as an 8 cm fashion disc, and if it is above the constant value, detecting the disc as a 12 cm standard disc. Support for these amendments may be found in at least paragraphs [0036] and [0037] of the specification. It is respectfully submitted that in their amended form, claims 1, 5 and 6 are enabled and definite. Claims 7-10 depend on claim 6 and are therefore believed also to comply with 35 USC 112.

Withdrawal of the foregoing rejection is requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 2, 2007

By: Gregory W. Harper  
Gregory W. Harper  
Registration No. 55,248

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501